

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Civil Action No. 3:12-cv818

NEFERTITI JAMES, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BANK OF AMERICA CORPORATION, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**MEMORANDUM IN SUPPORT OF**  
**CONSENT MOTION TO SUBSTITUTE PROPER DEFENDANT**

Pursuant to Rule 21 of the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”), defendant Bank of America Corporation, by counsel, and with the consent of plaintiff, states as follows in support of its Consent Motion to Substitute Proper Defendant:

1. Plaintiff filed suit against Bank of America Corporation on November 7, 2012, in Mecklenburg County Superior Court. *See* Dkt. Entry 1.
2. Defendant Bank of America Corporation removed the Complaint to this Court on December 11, 2012. *Id.*
3. In the Complaint, plaintiff alleges that she was employed by Bank of America Corporation. *Id.* Plaintiff was employed by Bank of America, N.A.
4. Pursuant to Fed. R. Civ. P. 21, “[p]arties may be dropped or added by order of the court on motion of any party.” *Id.*

5. The parties agree that this case should proceed as if the proper defendant had been named and the case caption changed to reflect this correction and that Bank of America, N.A., be named as the proper defendant. See **Exhibit A**.

Based on the foregoing, defendant Bank of America Corporation requests, with the consent of plaintiff, the Court to enter an Order granting its Consent Motion to Substitute Proper Defendant, and grant such further relief as the Court deems just and proper.

A proposed order is attached hereto as **Exhibit B**.

This the 8<sup>th</sup> day of January 2013.

Respectfully submitted,

/s/ Meredith A. Pinson

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Defendant.	)
_____	)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys for plaintiff:

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